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Legislative History – Montana Session Law

Chapter: 101 Session L: 2009

Bill Number: SB 438

Checklist of Bill History

History and Final Status Sheet	☑
Introduced Bill	☑
Fiscal Note	☑
Third Reading Bill	☐
Final Version of Bill	☐

House	**Senate**
Committee: Business and Labor	Committee: Business, Labor & Economic Affairs
Hearing Date(s): 3/09/2009	Hearing Date(s): 2/18/2009
Committee Report:	Committee Report: 2/19/2009

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 4/17/2025

Thank you!

Notes: Audio/Video recordings can be found here:

Senate: https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20090218/-1/22683

House: https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20090309/-1/22493

AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-1-106, MCA, is amended to read:

"16-1-106. Definitions. As used in this code, the following definitions apply:

(1) "Agency franchise agreement" means an agreement between the department and a person appointed to sell liquor and table wine as a commission merchant rather than as an employee.

(2) "Agency liquor store" means a store operated under an agency franchise agreement in accordance with this code for the purpose of selling liquor at either the posted or the retail price for off-premises consumption.

(3) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) "Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) "Beer importer" means a person other than a brewer who imports malt beverages.

(7) "Brewer" means a person who produces malt beverages.

(8) "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer, from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 1/2 of 1% alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 1/2 of 1% alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

~~(8)~~(9) "Community" means:

(a) in an incorporated city or town, the area within the incorporated city or town boundaries;

(b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and

(c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.

~~(9)~~(10) "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.

~~(10)~~(11) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% alcohol by volume and not more than 6.9% alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

~~(11)~~(12) "Immediate family" means a spouse, dependent children, or dependent parents.

~~(12)~~(13) "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.

~~(13)~~(14) "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

~~(14)~~(15) "Malt beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared

cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.

~~(15)~~(16) "Package" means a container or receptacle used for holding an alcoholic beverage.

~~(16)~~(17) "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code.

~~(17)~~(18) "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.

~~(18)~~(19) "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

~~(19)~~(20) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

~~(20)~~(21) "Rules" means rules adopted by the department or the department of justice pursuant to this code.

~~(21)~~(22) "Special event", as it relates to an application for a beer and wine special permit, means a short, infrequent, out-of-the-ordinary occurrence, such as a picnic, fair, reception, or sporting contest.

~~(22)~~(23) "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.

~~(23)~~(24) "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

~~(24)~~(25) "Subwarehouse" means a building or structure owned or operated by a licensed beer wholesaler or table wine distributor, located at a site in Montana other than the site of the beer wholesaler's or table wine distributor's warehouse or principal place of business, and used for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(25)~~(26) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.

~~(26)~~(27) "Table wine distributor" means a person importing into or purchasing in Montana table wine for sale or resale to retailers licensed in Montana.

~~(27)~~(28) "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed beer wholesaler or table wine distributor for the receiving, storage, and distribution of beer or table wine

as permitted by this code.

~~(28)~~(29) "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine."

- END -

I hereby certify that the within bill,
SB 0438, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 438

INTRODUCED BY JUNEAU, STEWART-PEREGOY, AUGARE, KOTTEL

AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/25/09	Chapter Number Assigned				
03/25/09	(S) Signed by Governor				
03/19/09	(S) Transmitted to Governor				
03/19/09	(H) Signed by Speaker				
03/19/09	(S) Signed by President				
03/18/09	(S) Returned from Enrolling				
03/18/09	(C) Printed - New Version Available				
03/17/09	(S) Sent to Enrolling				
03/17/09	(H) Returned to Senate				
03/16/09	(H) 3rd Reading Concurred		54	45	
03/16/09	(C) Printed - New Version Available				
03/16/09	(C) Sponsors Engrossed				
03/16/09	(H) Scheduled for 3rd Reading				
03/14/09	(H) 2nd Reading Concurred		54	44	
03/14/09	(H) 2nd Reading Motion to Amend Failed		45	52	
03/14/09	(H) Scheduled for 2nd Reading				
03/13/09	(H) Scheduled for 2nd Reading				
03/12/09	(H) 2nd Reading Pass Consideration				
03/12/09	(H) Scheduled for 2nd Reading				
03/10/09	(H) Committee Report--Bill Concurred	(H) Business and Labor			
03/10/09	(H) Committee Executive Action--Bill Concurred	(H) Business and Labor	10	8	
03/09/09	(H) Hearing	(H) Business and Labor			
02/24/09	(H) Referred to Committee	(H) Business and Labor			
02/24/09	(H) First Reading				
02/24/09	(S) Transmitted to House				
02/24/09	(S) 3rd Reading Passed		47	3	
02/24/09	(S) Scheduled for 3rd Reading				
02/23/09	(S) 2nd Reading Passed on Voice Vote		48	0	
02/23/09	(S) Scheduled for 2nd Reading				
02/21/09	(S) Fiscal Note Printed				
02/20/09	(S) Fiscal Note Received				
02/20/09	(S) Committee Report--Bill Passed	(S) Business, Labor, and			

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
		Economic Affairs			
02/20/09	(S) Committee Executive Action--Bill Passed	(S) Business, Labor, and Economic Affairs	9	2	
02/18/09	(S) Hearing	(S) Business, Labor, and Economic Affairs			
02/11/09	(C) Introduced Bill Text Available Electronically				
02/11/09	(S) First Reading				
02/11/09	(S) Fiscal Note Requested				
02/11/09	(S) Referred to Committee	(S) Business, Labor, and Economic Affairs			
02/11/09	(S) Introduced				
02/09/09	(C) Draft Delivered to Requester				
02/05/09	(C) Draft Ready for Delivery				
02/05/09	(C) Draft in Assembly/Executive Director Review				
02/05/09	(C) Draft in Final Drafter Review				
02/05/09	(C) Bill Draft Text Available Electronically				
02/05/09	(C) Draft in Input/Proofing				
02/05/09	(C) Draft to Drafter - Edit Review [JLN]				
02/05/09	(C) Draft in Edit				
02/04/09	(C) Draft in Legal Review				
02/02/09	(C) Draft to Requester for Review				
02/02/09	(C) Draft On Hold				
01/26/09	(C) Draft to Requester for Review				
01/23/09	(C) Draft to Requester for Review				
01/23/09	(C) Draft to Requester for Review				
11/20/08	(C) Draft On Hold				
10/20/08	(C) Fiscal Note Probable				
10/20/08	(C) Draft Request Received				

GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0438	**Title:**	Regulate sale of alcoholic energy drinks
Primary Sponsor:	Juneau, Carol C	**Status:**	As Introduced

☐ Significant Local Gov Impact ☐ Needs to be included in HB 2 ☐ Technical Concerns

☐ Included in the Executive Budget ☐ Significant Long-Term Impacts ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	FY 2010 Difference	FY 2011 Difference	FY 2012 Difference	FY 2013 Difference
Expenditures:				
General Fund	$0	$0	$0	$0
State Special Revenue	$0	$0	$0	$0
Revenue:				
General Fund	$36,206	$49,196	$50,117	$51,037
State Special Revenue	$6,914	$9,395	$9,571	$9,746
Net Impact-General Fund Balance:	$36,206	$49,196	$50,117	$51,037

Description of fiscal impact:

Currently malt beverages with caffeine or other stimulants are taxed as beer. This bill would reclassify malt beverages with caffeine or other stimulants as liquor, which has a higher tax rate than beer and is distributed through the liquor warehouse and agency liquor stores, rather than individual distributors.

FISCAL ANALYSIS

Assumptions:

1. Under current law, malt beverages that contain caffeine or other stimulants are taxed at the same rate as beer, which is taxed on the number of 31-gallon barrels sold in the state. This bill will tax malt beverages that contain caffeine or other stimulants the same as liquor which is based on the wholesale price.

2. The official revenue estimate assumes that there will be 1,018,138 barrels of beer sold in FY 2010 and 1,037,556 barrels of beer sold in FY 2011. They assume a growth rate of 19,418 barrels each fiscal year. This would mean that there are 1,056,974 barrels sold in FY 2012 and 1,076,392 barrels in FY 2013.
3. The Liquor Control Division of the Department of Revenue estimates that malt beverages with caffeine or other stimulants account for about 1/8 of 1% of beer tax revenue.
4. 1/8 of 1% would be equal to 1,273 31-gallon barrels in FY 2010 (1,018,138 x 0.00125 = 1,273), 1,297 barrels in FY 2011, 1,321 barrels in FY 2012 and 1,345 barrels in FY 2013. Because the caffeinated malt beverages would no longer be taxed as beer, there would be a reduction in beer tax collections of $5,472 in FY 2010 (1,273 x $4.30 = $5,472), $5,577 in FY 2011, $5,681 in FY 2012 and $5,786 in FY 2013.
5. Beer tax revenue is distributed 76.74% to the state general fund and 23.26% to the Department of Public Health and Human Services for alcohol and chemical dependency treatment programs. The reduced beer tax revenue would reduce general fund revenue by $4,200 in FY 2010 ($5,472 x 76.74% = $4,200), $4,280 in FY 2011, $4,360 in FY 2012 and $4,440 in FY 2013. The Department of Public Health and Human Services would receive $1,273 less in FY 2010 ($5,472 x 23.26% = $1,273), $1,297 less in FY 2011, $1,321 less in FY 2012 and $1,346 less in FY 2013.
6. This bill would tax malt beverages in the same manor as liquor, based on the wholesale price.
7. It is estimated that the average cost for a case of caffeinated malt beverages is $18.00. It would cost approximately $30 per case to ship each case to the liquor warehouse for distribution, so the base cost of each case of caffeinated malt beverage would be $48.00. Each case is assumed to have 24-16 ounce cans. It is assumed that the average price of a 16 ounce can of caffeinated malt beverage is $2.00 ($48.00 / 24 = $2.00). Using a base cost of $48.00 per case of caffeinated malt beverage, the liquor control division estimates that the list price per 16 ounce can of caffeinated malt beverage would be $3.65. This would increase the retail price by $1.65 per 16 ounce can. This is an increase of 82.5% (1.65 / 2.00 = 0.825).
8. For this fiscal note it is assumed that caffeinated malt beverages have a price elasticity of -1.0. This means that a 10% increase in price will decrease consumption by 10%. The elasticity estimate only shows how consumption changes with price, but this bill would change how malt beverages with caffeine or other stimulants is distributed. If this bill passes, malt beverages with caffeine or other stimulants would only be available at agency liquor stores and bars. The change in consumption from malt beverages with caffeine or other stimulants due to fewer retail locations selling the product is not estimated.
9. Using the elasticity estimate above, because the retail price increases by 82.5%, consumption will decrease by 82.5%. This would mean that there will 223 31-gallon barrels of malt beverage with caffeine or other stimulants sold in FY 2010 (1,273 x 0.175 = 223), 227 barrels in FY 2011, 231 barrels in FY 2012 and 235 barrels in FY 2013.
10. Each barrel of beer has 31 gallons and one gallon has 128 fluid ounces, so there will be 883,744 ounces of malt beverage with caffeine sold in Montana in FY 2010 (223 x 31 x 128 = 883,744), 900,599 ounces in FY 2011, 917,453 ounces in FY 2012 and 934,308 ounces in FY 2013.
11. This equals 55,234 16 ounce cans of malt beverage with caffeine or other stimulants being sold in FY 2010 (883,774 / 16 = 55,234), 56,287 cans in FY 2011, 57,341 cans in FY 2012 and 58,394 cans in FY 2013.
12. The $1.65 per can includes $0.46 in excise tax, $0.29 in license tax and $0.39 in profit for the liquor division and $0.51 mark-up for individual liquor stores. Excise tax revenue would be $25,408 in FY 2010 (55,234 x $0.46 = $25,408), $25,892 in FY 2011, $26,377 in FY 2012 and $26,861 in FY 2013. The License tax revenue would be $16,018 in FY 2010, $16,323 in FY 2011, $16,629 in FY 2012 and $16,934 in FY 2013. The profit for the liquor control division would be $21,541 in FY 2010, $21,952 in FY 2011, $22,363 in FY 2012 and $22,774 in FY 2013.
13. Liquor warehouse profit and the liquor excise tax are deposited in the state general fund. Profit and liquor excise tax revenue totals $46,949 in FY 2010 ($25,408 + $21,541 = $46,949), $47,844 in FY 2011, $48,740 in FY 2012 and $49,635 in FY 2013.

14. The liquor license tax is deposited 34.5% in the general fund and 65.5% is deposited with the Department of Public Health and Human Services. This means that in FY 2010 $5,526 of license tax revenue would be deposited in the state general fund ($16,018 x 34.5% = $5,526), $5,632 in FY 2011, $5,737 in FY 2012 and $5,842 in FY 2013. In FY 2010 there would be $10,492 liquor license tax revenue deposited with the Department of Public Health and Human Services. This amount would be $10,692 in FY 2011, $10,892 in FY 2012 and $11,092 in FY 2013.
15. The table below shows the fiscal impact of removing caffeinated malt beverages from the beer tax and classifying them as liquor if the law is in effect for all of FY 2010.

	FY 2010	**FY 2011**	**FY 2012**	**FY 2013**
	General Fund			
Beer Tax	($4,200)	($4,280)	($4,360)	($4,440)
Excise Tax	$25,408	$25,892	$26,377	$26,861
Profit	$21,541	$21,952	$22,363	$22,774
License Tax	$5,526	$5,632	$5,737	$5,842
Net General Fund	**$48,275**	**$49,196**	**$50,117**	**$51,037**
	DPHHS			
Beer Tax	($1,273)	($1,297)	($1,321)	($1,346)
License Tax	$10,492	$10,692	$10,892	$11,092
Net DPHHS	**$9,219**	**$9,395**	**$9,571**	**$9,746**

16. There is no effective date on this bill, so it is assumed that the effective date is October 1, 2009. This is ¼ of the way through FY 2010. The table below shows the fiscal impact for this bill if it is effective October 1, 2009. The FY 2010 figures are ¾ of the numbers in the table above.

	FY 2010	**FY 2011**	**FY 2012**	**FY 2013**
	General Fund			
Beer Tax	($3,150)	($4,280)	($4,360)	($4,440)
Excise Tax	$19,056	$25,892	$26,377	$26,861
Profit	$16,156	$21,952	$22,363	$22,774
License Tax	$4,145	$5,632	$5,737	$5,842
Net General Fund	**$36,206**	**$49,196**	**$50,117**	**$51,037**
	DPHHS			
Beer Tax	($955)	($1,297)	($1,321)	($1,346)
License Tax	$7,869	$10,692	$10,892	$11,092
Net DPHHS	**$6,914**	**$9,395**	**$9,571**	**$9,746**

17. This bill would require the liquor warehouse to carry malt beverages with caffeine or other stimulants. Adding products carried by the liquor warehouse is a routine business process and would be handled by existing staff and resources.

	FY 2010 Difference	FY 2011 Difference	FY 2012 Difference	FY 2013 Difference
Fiscal Impact:				
Revenues:				
General Fund (01)	$36,206	$49,196	$50,117	$51,037
State Special Revenue (02)	$6,914	$9,395	$9,571	$9,746
TOTAL Revenues	$43,120	$58,591	$59,688	$60,783
Net Impact to Fund Balance (Revenue minus Funding of Expenditures):				
General Fund (01)	$36,206	$49,196	$50,117	$51,037
State Special Revenue (02)	$6,914	$9,395	$9,571	$9,746

Sponsor's Initials	*Date*	*Budget Director's Initials*	*Date*

SENATE BILL NO. 438

INTRODUCED BY C. JUNEAU

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA."

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(3) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) "Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) "Beer importer" means a person other than a brewer who imports malt beverages.

(7) "Brewer" means a person who produces malt beverages.

(8) "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer, from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 1/2 of 1% alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 1/2 of 1% alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

~~(8)~~(9) "Community" means:

(a) in an incorporated city or town, the area within the incorporated city or town boundaries;

(b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and

(c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.

~~(9)~~(10) "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.

~~(10)~~(11) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% alcohol by volume and not more than 6.9% alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

~~(11)~~(12) "Immediate family" means a spouse, dependent children, or dependent parents.

~~(12)~~(13) "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.

~~(13)~~(14) "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

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products suitable for human food consumption.

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~~(16)~~(17) "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code.

~~(17)~~(18) "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.

~~(18)~~(19) "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

~~(19)~~(20) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

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~~(22)~~(23) "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.

~~(23)~~(24) "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

~~(24)~~(25) "Subwarehouse" means a building or structure owned or operated by a licensed beer wholesaler or table wine distributor, located at a site in Montana other than the site of the beer wholesaler's or table wine distributor's warehouse or principal place of business, and used for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(25)~~(26) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.

~~(26)~~(27) "Table wine distributor" means a person importing into or purchasing in Montana table wine for sale or resale to retailers licensed in Montana.

~~(27)~~(28) "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed beer wholesaler or table wine distributor for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(28)~~(29) "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation

of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine."

- END -

SENATE BILL NO. 438

INTRODUCED BY JUNEAU, STEWART-PEREGOY, AUGARE, KOTTEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-1-106, MCA, is amended to read:

"16-1-106. Definitions. As used in this code, the following definitions apply:

(1) "Agency franchise agreement" means an agreement between the department and a person appointed to sell liquor and table wine as a commission merchant rather than as an employee.

(2) "Agency liquor store" means a store operated under an agency franchise agreement in accordance with this code for the purpose of selling liquor at either the posted or the retail price for off-premises consumption.

(3) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(4) "Alcoholic beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume.

(5) (a) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

(6) "Beer importer" means a person other than a brewer who imports malt beverages.

(7) "Brewer" means a person who produces malt beverages.

(8) "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer, from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 1/2 of 1% alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

(b) a beverage:

(i) that contains at least 1/2 of 1% alcohol by volume;

(ii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55;

(iii) to which is added a flavor or other ingredient containing alcohol, except for a hop extract;

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine;

(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

~~(8)~~(9) "Community" means:

(a) in an incorporated city or town, the area within the incorporated city or town boundaries;

(b) in an unincorporated city or area, the area identified by the federal bureau of the census as a community for census purposes; and

(c) in a consolidated local government, the area of the consolidated local government not otherwise incorporated.

~~(9)~~(10) "Department" means the department of revenue, unless otherwise specified, and includes the department of justice with respect to receiving and processing, but not granting or denying, an application under a contract entered into under 16-1-302.

~~(10)~~(11) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% alcohol by volume and not more than 6.9% alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

~~(11)~~(12) "Immediate family" means a spouse, dependent children, or dependent parents.

~~(12)~~(13) "Import" means to transfer beer or table wine from outside the state of Montana into the state of Montana.

~~(13)~~(14) "Liquor" means an alcoholic beverage except beer and table wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

~~(14)~~(15) "Malt beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome

products suitable for human food consumption.

~~(15)~~(16) "Package" means a container or receptacle used for holding an alcoholic beverage.

~~(16)~~(17) "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax as provided in this code.

~~(17)~~(18) "Proof gallon" means a U.S. gallon of liquor at 60 degrees on the Fahrenheit scale that contains 50% of alcohol by volume.

~~(18)~~(19) "Public place" means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

~~(19)~~(20) "Retail price" means the price established by an agent for the sale of liquor to persons who do not hold liquor licenses. The retail price may not be less than the department's posted price.

~~(20)~~(21) "Rules" means rules adopted by the department or the department of justice pursuant to this code.

~~(21)~~(22) "Special event", as it relates to an application for a beer and wine special permit, means a short, infrequent, out-of-the-ordinary occurrence, such as a picnic, fair, reception, or sporting contest.

~~(22)~~(23) "State liquor warehouse" means a building owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages to agency liquor stores.

~~(23)~~(24) "Storage depot" means a building or structure owned or operated by a brewer at any point in the state of Montana off and away from the premises of a brewery, which building or structure is equipped with refrigeration or cooling apparatus for the storage of beer and from which a brewer may sell or distribute beer as permitted by this code.

~~(24)~~(25) "Subwarehouse" means a building or structure owned or operated by a licensed beer wholesaler or table wine distributor, located at a site in Montana other than the site of the beer wholesaler's or table wine distributor's warehouse or principal place of business, and used for the receiving, storage, and distribution of beer or table wine as permitted by this code.

~~(25)~~(26) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.

~~(26)~~(27) "Table wine distributor" means a person importing into or purchasing in Montana table wine for sale or resale to retailers licensed in Montana.

~~(27)~~(28) "Warehouse" means a building or structure located in Montana that is owned or operated by a licensed beer wholesaler or table wine distributor for the receiving, storage, and distribution of beer or table wine as permitted by this code.

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of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine."

- END -

AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA.

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(5) (a) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.

(b) The term does not include a caffeinated or stimulant-enhanced malt beverage.

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(8) "Caffeinated or stimulant-enhanced malt beverage" means:

(a) a beverage:

(i) that is fermented in a manner similar to beer, from which some or all of the fermented alcohol has been removed and replaced with distilled ethyl alcohol;

(ii) that contains at least 1/2 of 1% alcohol by volume;

(iii) that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of beer as described in 27 CFR 25.55; and

(iv) to which is added caffeine or other stimulants, including but not limited to guarana, ginseng, and taurine; or

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(v) for which the producer is required to file a formula for approval with the United States alcohol and tobacco tax and trade bureau pursuant to 27 CFR 25.55; and

(vi) that is not exempt pursuant to 27 CFR 25.55(f).

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cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.

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- END -

I hereby certify that the within bill,
SB 0438, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 438

INTRODUCED BY JUNEAU, STEWART-PEREGOY, AUGARE, KOTTEL

AN ACT REVISING THE DEFINITION OF "LIQUOR" TO INCLUDE CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES; DEFINING "CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGE"; AND AMENDING SECTION 16-1-106, MCA.

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on February 18, 2009 at 8 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jim Peterson (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None.

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 438, SB 416, SB 388, SB 398
2/9/2009

Executive Action: SB 397, SB 389

HEARING ON SB 438

Opening Statement by Sponsor:

00:01:40 Sen. Carol Juneau (D), SD 8, opened the hearing on SB 438, Regulate sale of alcoholic energy drinks.
EXHIBIT(bus38a01)

Proponents' Testimony:

00:07:31 Patricia Welch and Honey Davis, Blackfeet Nation
00:15:25 Anna Whiting Sorrell, Director, Department of Public Health and Human Services (DPHHS)
00:19:13 Tony Herbert, Executive Director, Montana Brewers Association
00:19:52 Kris Minard, self, Clancy
EXHIBIT(bus38a02)

00:24:02 Michael Des Rosier, Chairman, Glacier County Commissioners
00:28:43 Linda Stoll, Association of Montana Public Health Officials

Opponents' Testimony: None

Informational Testimony:

00:29:29 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

00:31:03 Chairman Balyeat
00:31:57 Shauna Helfert
00:33:15 Chairman Balyeat
00:34:13 Linda Stoll
00:35:23 Sen. Squires
00:37:24 Shauna Helfert

Closing by Sponsor:

00:38:11 Sen. Juneau

00:38:30 Sen. Stewart-Peregoy arrived.

HEARING ON SB 416

Opening Statement by Sponsor:

00:40:16 Sen. Rick Laible (R), SD 44, opened the hearing on SB 416, Encourage construction of affordable housing.

Proponents' Testimony:

00:48:46 Linda Stoll, Montana Area Agencies on Aging
00:53:31 Mike McGinley, County Commissioner, Beaverhead County

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:57 Sen. Brown
00:57:13 Sen. Laible
00:59:08 Chairman Balyeat
01:00:29 Sen. Laible
01:02:42 Sen. Squires
01:08:34 Sen. Laible
01:08:48 Chairman Balyeat
01:08:59 Sen. Laible

Closing by Sponsor:

01:09:57 Sen. Laible

HEARING ON SB 388

Opening Statement by Sponsor:

01:12:16 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 388, Incumbent workforce training.

Proponents' Testimony:

01:15:19 Michael O'Rourke, Co-Director, Montana Business Expansion and Retention (BEAR) Program
EXHIBIT(bus38a03)

01:20:09 Gloria O'Rourke, Co-Director, Montana BEAR Program
EXHIBIT(bus38a04)

01:20:58 Mike McGinley, Commissioner, Beaverhead County
01:23:09 Linda Beck, Director, Business Outreach and Recruitment, Yellowstone County

Note: Chairman Balyeat left the room and Sen. Jackson assumed the Chair position.

01:24:46 Jon Bennion, Montana Chamber of Commerce
01:25:31 Kathy Moody, BEAR Program, Billings
01:26:09 Gary Amestoy, Richland County Economic Development Corporation
01:27:28 Bruce MacIntyre, Billings Chamber of Commerce
EXHIBIT(bus38a05)

01:32:33 Vanessa Clark, Great Falls Chamber of Commerce
EXHIBIT(bus38a06)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:34:08 Sen. Tropila
01:34:26 Vanessa Clark
01:34:48 Sen. Squires
01:36:44 Mike McGinley
01:38:14 Sen. Squires
01:42:34 Sen. Gillan
01:42:41 Vice Chair Jackson
01:43:34 Sen. Gillan
01:43:48 Vice Chair Jackson
01:44:59 Bruce MacIntyre
01:45:09 Sen. Squires
01:45:14 Bruce MacIntyre
01:45:39 Vice Chair Jackson
01:45:52 Bruce MacIntyre
01:46:10 Sen. Tropila
01:46:22 Bruce MacIntyre
01:46:41 Sen. Keane
01:50:00 Sen. Gillan

Closing by Sponsor:

01:50:20 Sen. Gillan
EXHIBIT(bus38a07)

01:53:32 Vice Chairman Jackson

01:54:15 Recess
02:02:06 Resume

HEARING ON SB 398

Opening Statement by Sponsor:

02:02:11 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 398, Revise work comp and unemployment law.

Note: Sen. Balyeat returned and assumed the Chair.

Proponents' Testimony:

02:07:02 Brad Griffin, Montana Restaurant Association
02:12:18 Mark Anderlik, Executive Officer, UNITE HERE Local #427
02:14:11 Jon Bennion, Montana Chamber of Commerce
02:14:27 Riley Johnson, National Federation of Independent Business (NFIB)
02:14:38 Bruce MacIntyre, Billings Chamber of Commerce
02:14:49 Robert Johnson, Montana AFL-CIO
EXHIBIT(bus38a08)

Opponents' Testimony:

02:15:13 Don Judge, Montana Injured Workers Resource Council

Informational Testimony:

02:19:19 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DOLI)
02:19:38 Don Gilbert, Unemployment Insurance Division, DOLI
02:19:52 Nancy Butler, Montana State Fund

Questions from Committee Members and Responses:

02:20:37 Sen. Keane
02:20:43 Brad Griffin
02:21:03 Sen. Keane
02:21:06 Mark Anderlik
02:21:22 Sen. Barkus
02:22:50 Don Judge
02:23:12 Sen. Barkus
02:26:27 Jerry Keck
02:27:01 Sen. Stewart-Peregoy
02:27:37 Jerry Keck
02:27:46 Sen. Stewart-Peregoy
02:27:53 Mark Anderlik
02:28:25 Chairman Balyeat

02:29:47 Don Judge
02:29:57 Chairman Balyeat
02:34:50 Don Gilbert

Closing by Sponsor:

02:35:10 Sen. Zinke

02:37:00 Break

Note: Sen. Windy Boy arrived. Sen. Brown, Sen. Jackson, Sen. Peterson and Sen. Steinbeisser were not present.

EXECUTIVE ACTION ON SB 397

02:39:24 **Motion:** Sen. Keane moved **SB 397 DO PASS.**

02:41:12 **Motion:** Sen. Keane moved **TO AMEND SB 397.**
EXHIBIT(bus38a09)

Discussion:

02:41:45 Pat Murdo
02:43:37 Chairman Balyeat
02:45:12 Pat Murdo
02:45:37 Sen. Keane

02:45:52 **Vote:** Motion failed 2-9 by roll call vote. Sen. Squires and Sen. Balyeat voted aye. Sen. Brown, Sen. Steinbeisser, Sen. Jackson and Sen. Peterson voted by proxy.

02:49:15 Sen. Brown returned.

Discussion:

02:49:17 Sen. Keane
02:50:09 Sen. Barkus
02:50:51 Sen. Squires
02:51:21 Chairman Balyeat

02:51:31 **Vote:** Motion failed 2-9 by roll call vote. Sen. Squires and Sen. Windy Boy voted aye. Sen. Peterson, Sen. Steinbeisser, and Sen. Jackson voted by proxy.

02:52:15 **Motion/Vote:** Chairman Balyeat moved that **SB 397 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

EXECUTIVE ACTION ON SB 389

02:54:38 **Motion**: Sen. Squires moved **SB 389 DO PASS.**

02:54:47 **Motion**: Sen. Squires moved **TO AMEND SB 389.**
EXHIBIT(bus38a10)

02:54:49 Sen. Steinbeisser returned.

Discussion:

02:55:54 Chairman Balyeat
02:56:20 Sen. Squires
02:56:37 Pat Murdo
02:57:18 Sen. Squires
02:57:21 Chairman Balyeat
02:57:56 Sen. Squires
02:59:13 Sen. Barkus
02:59:59 Sen. Squires
03:00:18 Chairman Balyeat
03:01:33 Sen. Squires

03:01:41 **Vote**: Motion carried 9-2 by roll call vote. Sen. Brown and Sen. Balyeat voted no. Sen. Peterson voted by proxy.

03:03:17 **Motion/Vote**: Sen. Squires moved **TO FURTHER AMEND SB 389.** Motion carried unanimously 11-0 by voice vote. Sen. Peterson voted by proxy.
EXHIBIT(bus38a11)

03:04:53 **Motion**: Chairman Balyeat moved **TO FURTHER AMEND SB 389.** Motion carried unanimously 11-0 by voice vote. Sen. Peterson voted by proxy.
EXHIBIT(bus38a12)

Discussion:

03:05:19 Chairman Balyeat
03:06:30 Sen. Squires
03:07:21 Chairman Balyeat
03:08:09 Sen. Squires
03:08:39 Sen. Barkus
03:09:25 Pat Murdo

03:09:44 **Vote**: Motion carried 10-1 by voice vote. Sen. Windy Boy voted no. Sen. Peterson voted by proxy.

03:10:08 **Motion**: Sen. Squires moved **SB 389 DO PASS AS AMENDED.**

Discussion:

03:10:25 Sen. Squires
03:11:01 Sen. Jackson
03:11:45 Chairman Balyeat

03:13:23 **Vote**: Motion failed 3-8 by roll call vote. Sen. Squires, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Peterson voted by proxy.

03:15:05 **Motion/Vote**: Chairman Balyeat moved that **SB 389 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

03:17:00 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:20 A.M.

_____
Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT(bus38aad.pdf)

BUSINESS & LABOR
EXHIBIT NO. 1
DATE 2-18-09
BILL NO. SB 438

Alcohol Energy Drinks

Department of Revenue
Liquor Control Division

Alcohol Energy Drinks

Alcohol Energy Drinks

- Alcohol energy drinks have been introduced into the market. These products very much look like the non-alcoholic energy drink such as --Full Throttle, Monster Energy and Rockstar; however, they contain malt beverages.
- Non-alcoholic energy drinks constitute a rapidly growing segment of the beverage market. These beverages are particularly popular with teens and young adults.
- The alcohol energy drinks are considered "beer" under Montana laws and are distributed by beer wholesalers.
- Marketing campaigns claim such beverages increase a person's stamina but do not mention the potentially adverse consequences of mixing caffeine or other stimulants with alcohol.
- Adding caffeine to alcohol may increase risk to young consumers because those additives tend to reduce the perception of intoxication and make greater quantities of alcohol palatable.

Concerns with Alcohol Energy Drinks

- Blurred Distinction – The alcohol energy drinks are not easily distinguishable from the non-alcoholic products. Plus the labels and packages do not readily identify that the product contains alcohol.
- Location – These products are located in grocery stores and convenient stores in some cases less then three feet away from non-alcoholic energy drinks. As a result customers and sales clerks could be confused on what they are purchasing or selling.
- Advertising – target youth with non-traditional forms of advertising such as Myspace and Facebook.
  - Slogans include *"You Can Go Home Early When You're Married", "You Can Sleep When You're 30", "Who's up for staying out all night"*

Concerns with Alcohol Energy Drinks

- Costs – Most times they cost less than the non-alcoholic energy drinks
- Alcohol content – The alcohol by volume is significantly greater than that of a normal beer; in some cases twice as much.
- Popular with underage drinkers because of their taste, effect, and low prices. They don't taste like alcohol. They are marketed as products that mask the effects of alcohols because of their caffeine.
- Safety – There are potential health and safety risk of mixing alcoholic beverages with caffeine and other stimulants.
- National concerns – This products have the attention of other states and state's attorney generals.

Cost of Energy Drinks

Non-Alcohol Drinks

- Monster Energy - $2.00
- Full Throttle - $2.00
- Rockstar - $2.25

Alcohol Energy Drinks

- Tilt - $1.29
- Liquid Charge - $1.39
- Sparks - $1.49

Montana Alcohol Related Statistics

- Cost of underage drinking in Montana - $249 Million
  Montana ranked 9th highest
- Montana's binge alcohol use in the past month age 12 -17 --- 17.10% -compared to national average 10.86%
  Montana ranked highest
- Montana's alcohol use in the past month age 12 -17 --- 23% -compared to national average 17.65%
  Montana ranked 4th highest
- Montana's alcohol use in the past month age 18-25 --- 71.50% -compared to national average 60.92%
  Montana ranked 7th highest
- Montana has been in the top 10 highest alcohol related traffic deaths for the past 8 years -of these - 10% is from underage drinkers.
  Montana is ranked 4th highest in the nation.

What can policy makers, legislators and regulators do?

- Educate the community on the products, side effects and concerns
- Rule options – put rules into place to not allow products that are packaged, labeled, or advertised in a manner that by their nature appears to appeal the underage consumers or tends to blur the distinction between alcoholic and non-alcoholic product.
- Legislation options– limit the sale to retail outlets for distilled spirits; impose a special tax surcharge, with tax revenues used to fund youth prevention and treatment programs; require drinks in retail stores to be displayed in a delineated area distinct from non-alcoholic beverages; put label requirements into the law; increase retail compliance checks.

BUSINESS & LABOR
EXHIBIT NO. 2
DATE 2-18-09
BILL NO. SB 438

SB 438

Years Ago - Beer tasted like beer, wine tasted like wine and gas stations pumped gas.

Now alcohol can taste like soda pop, wine is often a "cooler" and comes in every color imaginable at just about every convenience or grocery store in town.

Years Ago – A party line meant there were two families using the same phone line. Ring tones were standard and wall paper was something you put on your walls.

Now – Instant text messages alert scores of friends to the location of a "party" with a push of a button. Ring tones and wall paper are something you can download from a beer company's website.

Years ago - Game Nights included games like Monopoly and Charades.

Now - Ping Pong has become Beer Pong and Quarters are not just for putting in a juke box.

Years Ago – An all-nighter meant we had a big test to study for.

Now – it's a "wide awake drunk" achieved from drinking energy drinks laden with caffeine and alcohol.

When it comes to alcohol, there's been a shift and it's happened so gradually that many of us may not have even noticed.

Research is still ongoing about the effects of combining stimulants like caffeine with depressants like alcohol. There is a misconception that the caffeine counteracts the effects of alcohol - but it doesn't. Kids just stay awake longer and drink more, which puts them at an even higher risk for alcohol poisoning.

Teens purchase more (regular – nonalcoholic) energy drinks than any other age group –
Alcoholic Energy drinks come in similar cans and it's difficult for parents and even some retailers to differentiate between the alcoholic and non alcoholic versions.

You've likely heard some of these statistics before:

Montana teens rank among the highest in the nation in binge drinking.

18 to 20 year olds drivers in Montana had the highest incidence of fatal alcohol related crashes in 2006, and they weren't even legal to drink in the first place.

Here in Lewis and Clark County, middle school students tell us they start drinking regularly at a little over age 12 and a half. 40 % of our high school seniors report that they had 5 or more drinks at one sitting some time in the previous two weeks. (That's called binge drinking.)

When prevention specialists and lawmakers get together and start talking seriously about reducing underage drinking, you might hear a couple of words like access and price. If you reduce a teens access to alcohol, you'll reduce underage drinking. If you increase the price of the alcohol, you'll reduce underage drinking.

Two bills have come before the Senate this year aimed at reducing teen access to alcohol. One of them was simply a bill to allow counties, not mandate them, but allow counties to adopt a social host ordinance. Which simply stated is a civil citation given to a property owner who knowingly allows teens to drink on their property. It's really a common sense bill that sends a clear message to adults and kids. Underage drinking parties are illegal. That bill is currently sitting on the table in Senate Local Government. It sits there under the fear of giving law enforcement too much authority..... yet again. What are we telling our kids when we say we won't punish those who host underage drinking parties. The kids? They get MIPS regardless.

SB 438 is the second bill to attempt to deal with reducing a teens access, this time to a particular kind of alcohol, while at the same time increasing it's price, which also makes it less desirable to teens. Two good moves in one bill..... it's a start. Please support this bill.

Kris Minard 4 Fiddlers Green Clancy, MT 59634 minard@mt.net

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Wednesday, February 18, 2009 **Time:** 8 am
Place: Capitol **Room:** 422

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 388, SB 398, SB 416, SB 438

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 397 Tabled

SB 389 Tabled

COMMENTS:

SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 2-18-09 Wed.

NAME	PRESENT	ABSENT/ EXCUSED
SENATOR JOE BALYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS	✓	
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY		✓
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 389, SB 397**, by motion, on **Wednesday, February 18, 2009**.

Linda Keim
(For the Committee)

(Secretary of the Senate)

2:45 / 2/18
(Time) (Date)

February 18, 2009 Linda J. Keim, Secretary Phone: 444-4772

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-09 BILL NO _____ MOTION NO. _____
MOTION: _____

SB 397 Amend SB039701.apm, failed 2-9

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	PV
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON		✓	PV
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	PV
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR VERDELL JACKSON, VICE CHAIR		✓	PV
SENATOR JOE BALYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-09 BILL NO _____ MOTION NO. _____
MOTION: SB 397 D.P.

Failed 2-9 Revive + Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON		✓	PV
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	PV
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR		✓	PV
SENATOR JOE BALYEAT, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-09 BILL NO _____ MOTION NO. _____
MOTION: _____

SB 389 SB 0389 03.apm Carried 9-2

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		pv
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-18-09 BILL NO _____ MOTION NO. _____
MOTION: SB 389 DPAA

Failed 3-8 Reconsider + Table

NAME	AYE	NO	If Proxy Vote check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON		✓	pr
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR JOE BALYEAT, CHAIRMAN		✓	

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

GREG BARKUS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
39701 APM		X
SB 397		X
38903.APM	X	
38901.APM	X	
38902.APM	X	
SB389		X

TABLED

BILL/AMENDMENT	AYE	NO

Sen. _____ (Signature)

Date 2/18/09

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AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Greg Barkus

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
39701.APM		X

BILL/AMENDMENT	AYE	NO

Sen. _____ (Signature) Date 4/18/09

S:\Data\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Senator Burns

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
39701 APM		X
SB 397		X

BILL/AMENDMENT	AYE	NO

Sen. Vuddell Jackson
(Signature)

Date 2/18/09

S:\Data\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Business + Labor committee because of other commitments. I desire to leave my proxy vote with:

GREG BARKUS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
39701 APM		X
SB397		X

BILL/AMENDMENT	AYE	NO

Sen. Don Steinbeisser
(Signature)

Date 2/18/09

S:\Data\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-18-09

Bill No. SB 438 Sponsor(s) Juneau

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Tony Herbert	Montana Brewers	✓		
Rn's Munard		✓		
Michael DesRosier	Glacier County Com.	✓		
Shauna Helfert	DOR			✓
Honey Davis	CHR	✓		
Patricia Webb	CHR	✓		
Linda Stoll	Assn of Mt Pub Health Officials AMPHO	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-18-09

Bill No. SB 416 Sponsor(s) Liable

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
LINDA STOCC 426 S MT HELENA	MT AREA AGENCIES ON Aging	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-18-09

Bill No. SB 388 Sponsor(s) Gillan

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Linda Beck	Big Sky EDA	✓		
Kathy Moody	Big Sky EDA	✓		
Jon Bennion	MT Chamber	✓		
Bruce McIntyre	Billings Chamber	✓		
Todd Younkin	Dept of Labor + Industry			✓
Mike O'Rourke	MEDA - BCAR	✓		
Gloria O'Rourke	MEDA	✓		
Gary Amestoy	Rockland Economic Development	✓		
Vanessa Clark	G Falls Chamber	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-18-09

Bill No. SB 398 Sponsor(s) Zinke

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Dan Gilbert	Dept of Labor + Industry			X
Jon Bennion	MT Chamber	X		
Dan Judge	M&WRC		X	
Mark Anderlik	UNITE HERE 427	X		
Nancy Butler	MT State Fund			I
Bruce MacIntyre	Billings Chamber	X		
Riley Johnson	NFIB	X		
Robert Johnson	MT AFL-CIO	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on February 19, 2009 at 9 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jim Peterson (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 431, SB 444, 2/13/2009

Executive Action: SB 388, SB 416, SB 438, and SB 444 (partial)

HEARING ON SB 444

Opening Statement by Sponsor:

00:00:51 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 444, Revise prudent management of funds law.

Proponents' Testimony:

00:01:44 Dan McLean, Attorney, Helena

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:05:11 Sen. Barkus
00:11:00 Dan McLean
00:12:03 Chairman Balyeat
00:14:06 Dan McLean
00:14:56 Chairman Balyeat
00:16:59 Sen. Laslovich

Closing by Sponsor:

00:17:21 Sen. Laslovich

HEARING ON SB 431

Opening Statement by Sponsor:

00:17:42 Sen. Roy Brown (R), SD 25, opened the hearing on SB 431, Revise laws on employer drug testing.

Proponents' Testimony:

00:20:14 Cori Cook, Vice President and General Counsel, Employee Benefit Management Services (EBMS)
EXHIBIT(bus39a01)

Opponents' Testimony:

00:26:15 J. C. Weingartner, MEA-MFT

Informational Testimony:

00:33:42 Mark Cadwallader, Staff Attorney, Department of Labor and Industry (DOLI)

Questions from Committee Members and Responses:

00:34:35 Sen. Jackson
00:36:42 Sen. Brown
00:36:09 Sen. Squires
00:36:54 Sen. Brown
00:38:00 Sen. Squires
00:43:57 Mark Cadwallader
00:44:56 Sen. Squires
00:45:24 Cori Cook
00:46:04 Sen. Barkus
00:46:07 Chairman Balyeat
00:46:21 Sen. Squires
00:46:27 Sen. Keane
00:47:34 Cori Cook
00:48:04 Sen. Barkus
00:50:16 Cori Cook
00:50:58 Chairman Balyeat
00:56:48 Mark Cadwallader
00:57:19 Chairman Balyeat
01:00:17 Cori Cook
01:00:22 Sen. Keane
01:00:26 Cori Cook

Closing by Sponsor:

01:00:45 Sen. Brown

01:01:59 Chairman Balyeat

01:02:09 Recess
01:19:04 Resume

EXECUTIVE ACTION ON SB 388

01:19:38 **Motion**: Sen. Barkus moved **SB 388 DO PASS.**

Discussion:

01:20:28 Pat Murdo
EXHIBIT(bus39a02)
EXHIBIT(bus39a03)

01:23:41 Sen. Squires
01:24:05 Chairman Balyeat
01:24:09 Pat Murdo

01:24:30 **Motion**: Sen. Keane moved **TO AMEND SB 388.**
EXHIBIT(bus39a04)

Discussion:

01:24:45 Sen. Keane
01:25:15 Chairman Balyeat
01:25:21 Sen. Keane
01:25:26 Sen. Squires
01:26:23 Sen. Keane

01:27:11 **Vote**: Motion carried unanimously 11-0 by voice vote. Sen. Windy Boy, Sen. Stewart-Peregoy, and Sen. Peterson voted by proxy.

01:27:36 **Motion**: Sen. Keane moved **TO FURTHER AMEND SB 388.**
EXHIBIT(bus39a05)

Discussion:

01:27:53 Pat Murdo
01:29:34 Chairman Balyeat
01:29:39 Pat Murdo
01:30:31 Sen. Barkus
01:30:50 Pat Murdo
01:32:37 Sen. Barkus

01:32:48 **Vote**: Motion carried unanimously 11-0 by voice vote. Sen. Windy Boy, Sen. Stewart-Peregoy, and Sen. Peterson voted by proxy.

01:33:12 **Motion**: Sen. Keane moved **SB 388 AS AMENDED.**

01:33:20 **Substitute Motion**: Sen. Barkus made a substitute motion that **SB 388 AS AMENDED BE CONCEPTUALLY AMENDED** to include contingent voidness.

Discussion:

01:33:32 Sen. Keane
01:33:35 Chairman Balyeat
01:33:45 Pat Murdo
01:34:20 Sen. Barkus

01:34:30 **Vote**: Motion carried unanimously 11-0 by voice vote. Sen. Windy Boy, Sen. Peterson, and Sen. Stewart-Peregoy voted by proxy.

Discussion:

01:35:04 Sen. Squires
01:43:15 Matt Stayner, Fiscal Analyst, LFD
01:44:12 Chairman Balyeat
01:45:47 Matt Stayner
01:46:06 Sen. Squires
01:46:43 Chairman Balyeat

01:48:07 **Vote**: Motion carried 9-2 by roll call vote. Sen. Barkus and Sen. Balyeat voted no. Sen. Peterson, Sen. Windy Boy, and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SB 416

01:50:28 **Motion**: Sen. Brown moved **TO TABLE SB 416.**

01:51:02 Sen. Brown withdrew his motion without objection.

01:51:11 **Motion**: Chairman Balyeat moved **SB 416 DO PASS.**
EXHIBIT(bus39a06)

Discussion:

01:51:26 Chairman Balyeat
01:52:49 Sen. Barkus
01:52:53 Sen. Brown

01:53:28 **Motion/Vote**: Sen. Tropila moved **TO AMEND SB 416.** Motion carried 9-2 by voice vote. Sen. Barkus and Sen. Squires voted no. Sen. Windy Boy, Sen. Stewart-Peregoy, and Sen. Peterson voted by proxy.
EXHIBIT(bus39a07)

01:54:36 **Motion**: Chairman Balyeat moved **SB 416 DO PASS AS AMENDED.**

Discussion:

01:55:25 Chairman Balyeat
01:55:44 Sen. Barkus
01:56:56 Sen. Keane
01:57:10 Sen. Brown
01:58:03 Sen. Squires

01:58:10 **Vote**: Motion failed 3-8 by roll call vote. Sen. Peterson, Sen. Jackson, and Chairman Balyeat voted aye. Sen. Windy Boy, Sen. Peterson, and Sen. Stewart-Peregoy voted by proxy.

01:59:00 **Motion/Vote**: Chairman Balyeat moved that **SB 416 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

EXECUTIVE ACTION ON SB 438

02:00:19 **Motion**: Sen. Squires moved **SB 438 DO PASS.**

Discussion:

02:00:40 Sen. Squires
02:01:04 Sen. Brown
02:01:49 Sen. Barkus
02:02:34 Sen. Squires
02:02:58 Chairman Balyeat
02:04:00 Sen. Barkus
02:04:47 Sen. Tropila
02:04:52 Sen. Barkus
02:04:58 Sen. Brown
02:05:34 Chairman Balyeat

02:07:32 **Vote**: Motion carried 9-2 by roll call vote. Sen. Barkus and Sen. Steinbeisser voted no. Sen. Windy Boy, Sen. Stewart-Peregoy and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 444

02:09:12 **Motion**: Sen. Keane moved **SB 444 DO PASS.**

Discussion:

02:09:29 Sen. Brown
02:09:49 Sen. Barkus
02:10:12 Sen. Keane
02:10:37 Chairman Balyeat
02:12:12 Pat Murdo
02:12:33 Sen. Keane
02:12:46 Sen. Steinbeisser

02:13:06 Sen. Keane withdrew his motion.

Note: Executive Action will continue tomorrow at 8AM.

ADJOURNMENT

Adjournment: 11:18 A.M.

_____
Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT(bus39aad.pdf)

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Thursday, February 19, 2009 **Time:** 9 am
Place: Capitol **Room:** 422

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 431, SB 444

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 388 DPAA
SB438 DP
SB416 Tabled

COMMENTS:

SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 2-19-09 Thurs.

NAME	PRESENT	ABSENT/ EXCUSED
SENATOR JOE BALYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS	✓	
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY		✓
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 388** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Joe Balyeat, Chair

And, that such amendments read:

1. Page 1, line 26.
Strike: "or"

2. Page 1.
Following: line 26
Insert: "(d) an apprenticeship program that is in compliance with Title 39, chapter 6; or"
Renumber: subsequent subsection

3. Page 1, line 27.
Strike: "the BEAR program"

4. Page 1, line 28.
Following: "representatives"
Insert: "of the BEAR program, the small business development centers, or the Montana manufacturing extension center at Montana state university-Bozeman"

5. Page 2, line 18.
Following: "department"
Insert: ", of a small business development center, or of the Montana manufacturing extension center at Montana state university-Bozeman"

6. Page 3, line 15.
Following: "programs"

Committee Vote:
Yes 9, No 2
Fiscal Note Required __

SB0388001SC.sdr

DR

Insert: ", small business development centers, or the Montana manufacturing extension center at Montana state university-Bozeman"

7. Page 3, line 18.
Following: the first "program"
Insert: ", a small business development center, or the Montana manufacturing extension center at Montana state university-Bozeman"

8. Page 4, line 12.
Following: "program"
Insert: ", a small business development center, or the Montana manufacturing extension center at Montana state university-Bozeman"

9. Page 4.
Following: line 30
Insert: "NEW SECTION. **Section 8. Contingent voidness.** If House Bill No. 2 or [LC 2314] is passed and approved but does not contain funding for an incumbent worker training program, then [this act] is void."

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 438** (first reading copy -- white) **do pass**.

Signed: _____
Senator Joe Balyeat, Chair

- END -

Committee Vote:
Yes 9, No 2
Fiscal Note Required __

SB0438001SC.sdr

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 416**, by motion, on **Thursday, February 19, 2009**.

Linda Keim
(For the Committee)

(Secretary of the Senate)

12:00 | 2/18/09
(Time) (Date)

February 19, 2009 Linda J. Keim, Secretary Phone: 444-4772

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-19-09 BILL NO _____ MOTION NO. _____
MOTION: _____
SB388 DPAA

Carried 9-2

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-19-09 BILL NO _____ MOTION NO. _____
MOTION: _____
SB416 DPAA

Failed 3-8

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	Reverse & Table
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		p
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY		✓	p
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	p
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-19-09 BILL NO _____ MOTION NO. _____
MOTION: _____

SB438 DP Carried 9-2

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		✓
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY	✓		✓
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		✓
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN	✓		

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Business & Labor committee because of other commitments. I desire to leave my proxy vote with:

Kendell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 388	X	
SB 416	X	
SB 438	X	

BILL/AMENDMENT	AYE	NO
SBO 38801.apm	X	
SBO 38802.apm	X	
SBO 38803.apm	X	
SBO 41601.apm	X	

Sen. Jim Tilton
(Signature)

Date 2/19/09

S:\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 388 AMEND 038801 2pm	✓	
SB 388 AMEND 038802 2pm	✓	
SB 388 AMEND CONT. VOID	✓	
SB 388 AS AMENDED	✓	
SB 416 AMEND 041601 2pm	✓	
SB 416 AS AMENDED		✓
SB 438	✓	
SB 444 WITHDRAWN		

BILL/AMENDMENT	AYE	NO

Sen. Jean Stewart Rogers (Signature)

Date 2/19/09

S:\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 288 AMEND 03680E 2pm	✓	
SB 288 AMEND 03880 2 2pm	✓	
SB 288 AMEND CONT. VOLUNTEERS	✓	
SB 288 AS AMENDED	✓	
SB 416 AMEND 04160I 2pm	✓	
SB 416 AS AMENDED		✓
SB 438	✓	
SB 444 WITHDRAWN		

BILL/AMENDMENT	AYE	NO

Sen. _____
(Signature)

Date 2/19/09

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-19-09

Bill No. SB 431 Sponsor(s) Brown, Roy

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Cari M Cook	EBMS	✓		
Ed BARTLETT	EBMS	X		
MARK CADWALLADER	Dept of Labor & Industry			X
J.C. WEINGARTNER	MEA - MFT		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date_____

Bill No. SB 388 Sponsor(s)_____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Matt Stayner 335 S Warren Helena	LFD			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS Date 2-19-09

Bill No. SB 444 Sponsor(s) Laslovich

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Dan McLean P.O. Box 797, Helena	Self / State Bar	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Vice Chairwoman Reinhart, on March 9, 2009 at 10:00 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: Rep. Bill Wilson, Chairman (D)

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 269, 3/3/2009; SB 438, 3/3/2009

Executive Action: None

HEARING ON SB 438

Opening Statement by Sponsor:

00:00:21 Sen. Carol Juneau (D), SD 8, opened the hearing on SB 438, Regulate sale of alcoholic energy drinks.
EXHIBIT(buh52a01)

Proponents' Testimony:

00:05:07 Honey Davis and Patricia Welch, Community Health Representatives (CHR)
00:12:10 Linda Stoll, Association of Montana Public Health Officials
00:13:06 Kris Minard, Self, Clancy, Montana
EXHIBIT(buh52a02)
00:16:11 Patricia Welch, CHR
00:17:00 Vicky Turner, Director, Prevention Resource Center, Department of Public Health and Human Services (DPHHS)

Opponents' Testimony:

00:25:15 Mark Taylor, Anheuser-Busch Company

Informational Testimony:

00:28:01 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue

Questions from Committee Members and Responses:

00:29:22 Rep. Boland
00:29:48 Ms. Helfert
00:30:15 Rep. Boland
00:30:20 Ms. Helfert
00:30:35 Rep. Boland
00:30:52 Ms. Helfert
00:31:27 Rep. Noonan
00:31:46 Ms. Helfert
00:32:14 Rep. Noonan
00:32:36 Ms. Helfert
00:32:56 Rep. Noonan
00:33:20 Vice Chairwoman Reinhart turns meeting over to Vice Chairman Beck.
00:33:30 Sen. Juneau
00:34:55 Rep. Welborn
00:35:37 Ms. Helfert
00:36:17 Rep. Welborn
00:36:39 Ms. Helfert

00:36:42 Rep. Welborn
00:36:57 Ms. Helfert
00:37:19 Rep. Welborn
00:37:25 Vice Chairman Beck
00:37:34 Ms. Helfert
00:37:46 Vice Chairman Beck
00:37:55 Ms. Helfert

Closing by Sponsor:

00:38:46 Sen. Juneau
EXHIBIT(buh52a03)

HEARING ON SB 269

Opening Statement by Sponsor:

00:42:47 Sen. Roy Brown (R), SD 25, opened the hearing on SB 269, Revise the regulation of time shares.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

00:44:46 Gene Allison, Deputy Chief Counsel, Department of Labor and Industry

Questions from Committee Members and Responses:

00:45:22 Rep. Boland
00:45:49 Mr. Allison
00:46:06 Rep. Boland
00:46:07 Mr. Allison
00:46:36 Rep. Arntzen
00:47:07 Mr. Allison
00:47:42 Rep. Arntzen
00:47:53 Mr. Allison
00:48:31 Rep. Milburn
00:48:53 Mr. Allison
00:53:34 Rep. Beck
00:54:22 Mr. Allison
00:55:28 Vice Chairman Beck
00:55:29 Mr. Allison

Closing by Sponsor:

00:55:43 Sen. Brown

ADJOURNMENT

00:57:24 Adjournment: 10:57 A.M.

_____
Santella Baglivo, Secretary

sb

Additional Documents:

EXHIBIT(buh52aad.pdf)

SB-438- Juneau

EXHIBIT 1
DATE 3-9-09
SB 438

Info is From Dept. of Revenue, Liquor Control Div.

Alcohol Energy Drinks

- Alcohol energy drinks have been introduced into the market. These products very much look like the non-alcoholic energy drink such as --Full Throttle, Monster Energy and Rockstar; however, they contain malt beverages.
- Non-alcoholic energy drinks constitute a rapidly growing segment of the beverage market. These beverages are particularly popular with teens and young adults.
- The alcohol energy drinks are considered "beer" under Montana laws and are distributed by beer wholesalers.
- Marketing campaigns claim such beverages increase a person's stamina but do not mention the potentially adverse consequences of mixing caffeine or other stimulants with alcohol.
- Adding caffeine to alcohol may increase risk to young consumers because those additives tend to reduce the perception of intoxication and make greater quantities of alcohol palatable.

Concerns with Alcohol Energy Drinks

- Blurred Distinction – The alcohol energy drinks are not easily distinguishable from the non-alcoholic products. Plus the labels and packages do not readily identify that the product contains alcohol.
- Location – These products are located in grocery stores and convenient stores in some cases less then three feet away from non-alcoholic energy drinks. As a result customers and sales clerks could be confused on what they are purchasing or selling.
- Advertising – target youth with non-traditional forms of advertising such as Myspace and Facebook.

  Slogans include "*You Can Go Home Early When You're Married*", "*You Can Sleep When You're 30*", "*Who's up for staying out all night*"

SB 438 – Juneau Are other states concerned about this?

Excerpts from News Article

"New Alcoholic Energy Drink Attacked By States" EMILY FREDRIX **September 17, 2008 06:41 PM EST |**

MILWAUKEE — Twenty-five states asked beverage maker MillerCoors LLC on Wednesday to abandon plans for a new caffeine-infused alcoholic energy drink.

Connecticut Attorney General Richard Blumenthal said in a statement that the Sparks Red drink is a "recipe for disaster" because adding caffeine to alcoholic beverages reduces drinkers' sense of intoxication.

Blumenthal, **New York Attorney General** Andrew Cuomo and the other attorneys general **say young drinkers are especially vulnerable because of their limited judgment and risky behaviors in driving and other activities....**

Attorneys general and advocacy groups have long been targeting Miller Coors, ...**They say these drinks are targeting teenagers and young drinkers who are already drawn to highly caffeinated drinks like Red Bull.**

On Wednesday, the latest group, which also includes **California, Ohio, Illinois and Vermont**, sent MillerCoors Chief Executive Leo Kiely a letter asking the brewer to stop its plans for Sparks Red.

"MillerCoors' decision to introduce **Sparks Red defies increasing undeniable evidence from medical and public health professionals about the dangers of mixing alcohol with stimulants found in energy drinks,"** the letter said.

SB438 Juneau

Carol Juneau

From: "Barbara Schneeman" <Barbara.Sch@riverstonehealth.org>
To: "Dan McGee" <danmcgee@180com.net>; "Gary Branae" <garybranae@gmail.com>; "Jeff Essmann" <JEFF@JEFFESSMANN.COM>; "Kelly Gebhardt" <gebby@midrivers.com>; "Kim Gillan " <Glonky@aol.com>; "Lynda Moss" <lyndamoss@imt.net>; "Roy Brown" <brown.roy@bresnan.net>; "Sharon Stewart-Peregoy" <sharon_peregoy@hotmail.com>; "Taylor Brown" <taylor@northernbroadcasting.com>
Cc: <csjuneau@3rivers.net>
Sent: Monday, February 23, 2009 12:46 PM
Subject: Support 438- regulate sale of alcoholic energy drinks

Dear Yellowstone County Area Members of the Senate:

On behalf of RiverStone Health, Yellowstone County's public health organization, I urge your support for SB 438 – Regulating Sales of Alcoholic Energy Drinks. This is an important public health measure that will help curb under-age drinking. As it stands today, many of these energy drinks contain as much or more alcohol by volume than a can of beer and are available for sale to anyone, including minors.

These energy drinks are an easy and legal means of introducing minors to alcohol. A report released by the US Surgeon General's office shows that young people who start drinking before the age of 15 are five times more likely to have alcohol-related problems later in life. New research also indicates that alcohol may harm the developing adolescent brain. The availability of this research provides more reasons than ever before to protect the health and safety of Montana's children.

In addition, a recent report by the Marin Institute, an alcohol industry watchdog organization, indicates that while there are limited research studies detailing the health risks of mixing caffeine and alcohol (as is done to make these energy drinks), the studies that have been conducted give rise to concern. Caffeine masks intoxicating effects of alcohol which could lead to increased risk-taking. Youth are more apt than adults to take risks and to suffer high rates of alcohol problems, including alcohol-related traffic accidents, violence, sexual assaults and suicide.

For the health and safety of Montana's youth, I urge your support of SB 438 and thank Senator Juneau for bringing this bill forward.

Barbara Schneeman | Director
Communication & Advocacy

RiverStone Health
123 South 27th Street | Billings, MT 59101-4200
Office: 406.651.6420
Fax: 406.247.3200

Barbara.Sch@riverstonehealth.org
www.riverstonehealth.org

The Yellowstone City-County Health Department has changed our name to RiverStone Health. We've only changed our name, not our commitment to providing you with the highest quality service you have come to know and rely upon. Please take a moment to update your contact information to reflect our new name and mailing address - RiverStone Health, 123 South 27th Street, Billings, MT 59101-4200. See us on the web at http://www.riverstonehealth.org/.

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Internet Message | Message # **30559** SB438 - Juneau Message taken: **2/23/2009 10:12:35 AM**

Sender **Dale Bickell**
200 W Broadway
Missoula, MT 59802

Phone 406-258-4229
Fax --

Vote **For SB 438**

E-mail dbickell@co.missoula.mt.us

Senate
Legislator
SEN. CAROL JUNEAU
Seat No. **20**

Senator Juneau,

Missoula County supports Senate Bill 438 - regulate sale of alcoholic energy drinks and thanks you for carrying the bill. Missoula County strongly favors this effort to restrict the sale of these beverages. Currently, these deceptive products are being sold across the state, are being purchased by kids and the combination of caffeine and alcohol can be deadly. Please support SB 438.

Respectfully,

Dale Bickell, Chief Administrative Officer on behalf of the Missoula Board of County Commissioners

SB438 - Juneau

February 9, 2009

Montana Legislative Senator Mrs.Carol Juneau

Re: Letter of support for legislative bill LC0614: Regulating sale of alcoholic beverage drinks that contain high energy drinks with them. Also to ban high energy drinks to Montana youth under the age of 18 years.

I am writing to give my full support of legislative Bill LC0614 that revises the definition of Liquor to include caffeinated or stimulant-enhanced Malt Beverages and amending Section 16-1-106, MCA.

Sincerely

Wayne Smith

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Borries Demeler, Ph.D.
Associate Professor
Department of Biochemistry
7703 Floyd Curl Drive, MC 7760
San Antonio, Texas 78229-3901
demeler@biochem.uthscsa.edu

Phone:(210) 567-6592
Fax: (210) 567-1136

March 8, 2009

To: Senator Carol C. Juneau
PO Box 55
BROWNING, MT 59417-0055

Dear Senator Juneau:

I am writing in support of Senate Bill SB 438 sponsored by you. As a part-time resident of Montana, I maintain close connections with friends on several Indian Reservations in Montana and am acutely aware of the detrimental effect of liquor sales to minors on and off reservations. Easy accessibility of alcoholic beverages through 7/11 and other convenience store outlets endangers our children who often lack the knowledge to distinguish among beverages containing alcohol and those that do not because of deceptive and misleading labeling practices by the beverage industry. Having spent a 15 year career in a Health Science Center, I am very much aware of the serious health effects and social consequences caused by the consumption of alcohol, especially by minors. I feel that your bill is a good step in the right direction and hope that your efforts succeed in better regulating alcoholic beverage sales from convenience stores.

Respectfully,

Borries Demeler, Ph.D.
Associate Professor
Director, Center for Analytical Ultracentrifugation and Light Scattering
Director, Bioinformatics Core Facility

Carol Juneau

From: "Michael DesRosier" <mjdesr@yahoo.com>
To: "shannon augare" <shannonjaugare@aol.com>
Cc: "carol juneau" <csjuneau@3rivers.net>
Sent: Monday, March 09, 2009 9:42 AM
Subject: SB 458

Shannon;
please forward our letter of support for SB 458 to the rest of the committee.

The Glacier County Commissioners are in full support of SB 458.

Glacier County is working very hard with a number of grants that support programs adressing the problems we have in Glacier County and throughout Montana relating to alcohol abuse, such as the DUI task force, binge drinking, underage and youth drinking. We see the energy drinks that are sold in grocery and convience stores as compounding the problems that already exist in the flow of alcohol to minors.

The similarity between energy drinks containing alcohol and plain energy drinks makes it very hard for not only store clerks but also for parents, teachers, and law enforcement to tell just what might be in one of the popular energy drinks. A Glacier County Commissioner that owns a convience store states that He has trouble telling the difference between the two.

We feel that selling alcohol with the additives that are known as energy drinks should be made available ONLY through liquor stores and bars and we hope you will PASS THIS BILL SB 458. thank you, Glacier County Commissioners.

EXHIBIT 2
DATE 3-9-09
SB 438

I stand as a parent in support of SB 438
SB 438

Years Ago - Beer tasted like beer, wine tasted like wine and gas stations pumped gas.

Now alcohol can taste like soda pop, wine is often a "cooler" and comes in every color imaginable at just about every convenience or grocery store in town.

Years Ago – A party line meant there were two families using the same phone line. Ring tones were standard and wall paper was something you put on your walls.

Now – Instant text messages alert scores of friends to the location of a "party" with a push of a button. Ring tones and wall paper are something you can download from a beer company's website for your cell phone.

Years ago - Game Nights included games like Monopoly and Charades.

Now - Ping Pong has become Beer Pong and Quarters are not just for putting in a juke box.

Years Ago – An all-nighter meant we had a big test to study for.

Now – it's a "wide awake drunk" achieved from drinking energy drinks laden with caffeine and alcohol.

When it comes to alcohol, there's been a shift and it's happened so gradually that many of us may not have even noticed.

Teens purchase more (regular – nonalcoholic) energy drinks than any other age group – You've seen the cans. Alcoholic Energy drinks look a lot like the regular ones and it's difficult for parents and even some retailers to differentiate between the alcoholic and non alcoholic versions.

Research continues to analyze the effects of combining stimulants like caffeine with depressants like alcohol. There is a misconception that the caffeine counteracts the effects of alcohol - but it doesn't. Kids just stay awake longer and drink more, which puts them at an even higher risk for alcohol poisoning.

You've heard the statistics. Our teen drinking record is nothing to be proud of. And when we have pre-teens telling us they have started drinking regularly, it's not good either.

When prevention specialists and lawmakers get together and start talking seriously about reducing underage drinking, you might hear a couple of words like access and price. If you reduce a teens access to alcohol, you'll reduce underage drinking. If you increase the price of the alcohol, you'll reduce underage drinking.

SB 438 is a bill that attempts to reduce a teens access to one particular mix of alcohol whose consequences from use are not clearly understood. At the same time this bill would increase it's price, which also makes it less desirable to teens. Two good moves in one bill..... it's a start. Please support this bill.

Kris Minard 4 Fiddlers Green Clancy, MT 59634 minard@mt.net

EXHIBIT 3
DATE 3-9-09
SB 433

Ginseng Side Effects, Interactions and Warnings

▷Products containing ginseng varied greatly in their herb content as well as recommendations for use.
- Evid Based Complement Alternat Med. 2004 Dec;1(3):305-313. Epub 2004 Oct 6. -- Phytochemical Assays of Commercial Botanical Dietary Supplements. -- Krochmal R, Hardy M, Bowerman S, Lu QY, Wang HJ, Elashoff R, Heber D.

▷Since ginseng is considered to be a stimulant, caution should be exercised if you ingest caffeine, products containing pseudoephedrine or other stimulants.

▷Vitamin C can interfere with or increase the absorption of ginseng.
- Mol Cell Biochem. 2000 Jan;204(1-2):77-82. -- Interactions between Panax quinquefolium saponins and vitamin C are observed in vitro. -- Li JP, Huang M, Teoh H, Man RY.

▷Reports include reactions such as headache, insomnia, anxiety and breast soreness or tenderness. It is also possible that skin rashes may develop as well as asthma attacks, increased blood pressure, diarrhea, euphoria, nervousness, skin eruptions, heart palpitations, or post-menopausal uterine bleeding. Stop using ginseng and consult your pharmacist or doctor if you suffer any side effects.

▷Use ginseng only under the direction of an herbalist or a licensed healthcare professional if you have any of the following conditions: pregnancy, insomnia, hay fever, fibrocystic breasts, asthma, emphysema, high blood pressure, blood-clotting problems, heart disorders, hypoglycemia or diabetes.

▷This article advises against using ginseng in pregnant women in the first trimester because of possible birth defects.
- Birth Defects Res B Dev Reprod Toxicol. 2005 Apr;74(2):207-9. -- Developmental toxicity research of ginsenoside Rb1 using a whole mouse embryo culture model. -- Liu P, Xu Y, Yin H, Wang J, Chen K,

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Ginseng

Definition

Ginseng is an herbal preparation derived from the aromatic root of a plant of the genus *Panax*, which is native to East Asia. Ginseng belongs to the Araliaceae family of plants. Siberian ginseng belongs to a different genus, *Eleutherococcus senticosus.* The English name of the plant is a modification of its Chinese name, *ren shen,* which means "man" and "herb." The Chinese name comes from the ginseng root's resemblance to the shape of the human body, whence the plant's traditional use as a tonic for male sexual vigor and potency. The Latin name for the species, *Panax*, is derived from the Greek word *panacea*, which means "cure-all," or, "all-healer."

There are three species of ginseng in common use in the United States: American ginseng, Korean ginseng, and Siberian ginseng. All are regarded as adaptogens that normalize immune functions and are preparations that help the body adapt to change, thus lowering the risk of stress-related illness. American ginseng, whose botanical name is *Panax quinquefolius*, has recently been evaluated as a treatment for high blood sugar in patients with type 2 (adult-onset) diabetes. It is considered to be less stimulating than the Korean or Siberian varieties. Korean ginseng, or *Panax ginseng*, is the species most often studied in Western as well as Asian trials of botanical preparations. Siberian ginseng, or *Eleutherococcus senticosus*, has been used in Russian sports medicine to boost athletic performance and strengthen the immune system.

As of 2002, ginseng is one of the most expensive herbs in the world, costing as much as $20 per ounce, or more for red ginseng with the root, which is over 10,000 years old. It is one of the top three herbal products sold in the United States.

Purpose

In traditional Chinese medicine (TCM), ginseng is regarded as having a "sweet" and "neutral" nature. It is thought to have a particular affinity for the spleen and lungs. It is used as an aphrodisiac, a tonic for the spleen, kidney and adrenal functions, and lungs, and a general restorative for the qi or vital energy in the body. TCM also recommends ginseng for asthma, weak pulse, indigestion, lack of appetite, rectal prolapse, hypertension, diabetes, **insomnia**, angina, congestive heart failure, and heart palpitations. It is important to note that ginseng is an exception to the rule that Chinese herbal medicine rarely uses a single herb in the manner of Western herbalism. Ginseng is often listed as one ingredient among several in Chinese medicines; it is, however, one of the few herbs in TCM that is sometimes prescribed by itself.

In the West, ginseng is frequently advertised as an energy booster, a memory aid, a sexual stimulant, a treatment for impotence and gastrointestinal disorders, and a promoter of longevity. Many Western researchers consider these claims inflated; some studies have found no difference between ginseng and a placebo in terms of the energy levels or general well-being reported by test subjects. Most studies nevertheless have shown improved energy, memory function and performance especially when fatigued, though most of the studies have been short-term. Ginseng's association with the male reproductive system

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Ginseng Side Effects

By Kevin Stith

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Green Tea Side Effects
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The use of herbs is a time-honored approach to strengthening the body and treating disease. However, herbs contain active substances that can trigger side effects and interact with other herbs, supplements or medications. For these reasons, herbs should be taken with care, under the supervision of a practitioner knowledgeable in the field of botanical medicine.

Possible side effects of Ginseng have a reasonably good safety record. The most common side effects are nervousness and excitability that usually decrease after the first few days. The ability to concentrate may be decreased, and blood sugar may decrease to abnormally low levels. Because ginseng has an estrogen-like effect, women who are pregnant or breastfeeding should not take it. Occasionally, there have been reports of more serious side effects, such as asthma attacks, increased blood pressure, palpitations, and, in postmenopausal women, uterine bleeding. To many people, ginseng tastes unpleasant.

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American Ginseng 花旗參
Teabags Capsule, Roots, Powders, 各種花旗參產品,郵寄全球, 中, 港, 臺
ginseng88.com/

10 Dangerous Drugs
Guide reveals the worst drugs in medicine, and safe alternatives.
www.douglassreport.com

"How I Lost 55 Pounds"
Amazing Chinese Weight Loss Secret As Seen On CNN, NBC & Fox News
www.Wu-YiSource.com

My Wrinkles Disappeared
See how this Mom used 2 products & finally got rid of her wrinkles.
carolskinsuccess.com

Gourmet Tea
View photos, recommendations and detailed customer reviews.
www.Adagio.com

Rachel Perry Ginseng
Does Rachel Perry Ginseng Work Against Wrinkles? – Read my Story!
HeathersBlog.net

Both American and Asian ginsengs are stimulants and may cause nervousness or sleeplessness, particularly if taken at high doses. Other reported side effects include high blood pressure, insomnia, restlessness, anxiety, euphoria, diarrhea, vomiting, headache, nosebleed, breast pain and vaginal bleeding.

Siberian ginseng may cause nervousness and restlessness in some individuals. In rare cases, Siberian ginseng may cause mild diarrhea. Siberian ginseng is not recommended for individuals with very high blood pressure. It may cause insomnia in some people if taken too close to bedtime. IF symptoms like breathing problems, tightness in the throat or chest, chest pain, skin hives, rash, or itchy or swollen skin develop, the use of taking Siberian ginseng may be stopped.

There have been reports that Asian ginseng may possibly decrease the effectiveness of the blood-thinning medication. Warfarin when taken with ginseng may inhibit platelet activity. Aspirin may not interact well either. Consult with your physician before taking any herbal supplement. The American Herbal Products Association (AHPA) has rated

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Monday, March 9, 2009 **Time:** 9:00 am
Place: Capitol **Room:** 172

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 269, ~~SB 395~~, SB 438

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

COMMENTS:

Bill Wilson

REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 3/9/09

NAME	PRESENT	ABSENT/ EXCUSED
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson		X

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/9/09

Bill No. SB 269 **Sponsor(s)** Sen. Brown

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Gene Allison	ALI			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 3/9/09

Bill No. SB 438 **Sponsor(s)** Sen. Juneau

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
LINDA STOLL	Assn of MT Public Health Officials	✓		
Kris Munaud	Self	✓		
MARK TAYLOR	ANHEUSER-BUSCH COS		Amend X	
Vicki Turner	DPHHS/ICC/AcvR	–		
Shauna Helfert	DOR			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on March 10, 2009 at 8:30 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairman (D)
Rep. Elsie Arntzen (R)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: Rep. Shannon Augare (D)
Rep. Cary Smith (R)

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SJ 6, 2/26/2009; SJ 10, 2/26/2009; SJ 16, 2/26/2009
Executive Action:	SB 89, SB 135, SB 150,SB 438, SJ 6, SJ 16

HEARING ON SJ 6

Opening Statement by Sponsor:

00:00:23 Sen. Ken (Kim) Hansen (D), SD 17, opened the hearing on SJ 6, Urge 24-hour operation for Turner port of entry.

Proponents' Testimony:

00:02:54 Rep. Wendy Warburton, HD 34, Havre
00:04:55 Jay Meyer, General Manger, Sask-Mont Rural Development
EXHIBIT(buh53a01)
00:09:35 Jay Anderson, Sask-Mont Rural Development
00:12:48 Michael Fitzpatrick, Saskatchewan Economic Development Agency
00:13:55 Sharon Dickie, Mayor, Shaunavon, Saskatchewan
00:14:46 Elysha Cruthers, Self, Shaunavon, Saskatchewan
00:15:20 Spook Stang, Executive Vice President, Montana Motor Carriers Association

Opponents' Testimony:

00:15:59 Dave Puyer, Montana Rural Education Association
EXHIBIT(buh53a02)

Informational Testimony:

00:18:24 Greg Ames, Administrator, Agricultural Sciences Division, Department of Agriculture

Questions from Committee Members and Responses:

00:20:07 Rep. Furey
00:20:37 Mr. Anderson
00:21:19 Rep. Berry
00:22:09 Mr. Meyer
00:22:43 Rep. Berry
00:23:12 Mr. Meyer

00:23:19 Rep. Berry
00:23:58 Mr. Meyer
00:24:43 Rep. Arntzen
00:25:44 Sen. Hansen
00:25:58 Rep. Arntzen
00:26:08 Mr. Meyer
00:26:33 Rep. Reinhart
00:26:45 Mr. Meyer
00:27:03 Chairman Wilson
00:27:20 Mr. Meyer
00:27:39 Rep. Reinhart
00:27:57 Mr. Ames
00:28:01 Rep. Reinhart
00:28:12 Mr. Ames
00:28:57 Rep. Reinhart
00:29:05 Mr. Ames

Closing by Sponsor:

00:29:57 Sen. Hansen

EXECUTIVE ACTION ON SJ 6

00:32:32 **Motion:** Rep. Noonan moved that **SJ 6 BE CONCURRED IN.**

Discussion:

00:32:48 Rep. Berry
00:33:04 Chairman Wilson
00:33:16 Rep. Arntzen
00:33:58 Rep. Reichner
00:34:31 Rep. B. Beck
00:35:06 Rep. Reinhart
00:35:25 Rep. Vance calls the question.

00:35:29 **Vote:** Motion carried 16-2 by roll call vote with Rep. Arntzen and Rep. Berry voting no. Reps. Augare, Smith voted by proxy.

HEARING ON SJ 10

Opening Statement by Sponsor:

00:36:47 Sen. Ron Erickson (D), SD 47, opened the hearing on SJ 10, Study options for state work comp coverage.
EXHIBIT(buh53a03)

Proponents' Testimony:

00:41:54 Bruce Spencer, Property Casualty Insurers Association of America
00:43:00 Jacqueline Lenmark, American Insurance Association
00:43:34 Jason Miller, Co-Vice Chairman, Labor Management Advisory Council

Opponents' Testimony:

Informational Testimony:

00:44:36 Nancy Butler, Montana State Fund
00:44:51 Leah Tietz, Montana University Systems
00:45:16 Kris Wilkinson, Fiscal Analyst, Legislative Fiscal Division

Questions from Committee Members and Responses:

00:45:41 Rep. B. Beck
00:46:30 Sen. Erickson
00:48:48 Rep. Reinhart
00:49:10 Ms. Butler
00:49:34 Rep. Hunter
00:50:06 Ms. Butler
00:50:29 Rep. Milburn
00:50:48 Ms. Butler
00:50:57 Rep. Milburn
00:51:06 Ms. Butler
00:51:36 Rep. Milburn
00:51:39 Ms. Butler
00:52:05 Rep. Milburn
00:52:10 Ms. Butler
00:52:19 Rep. Reinhart
00:52:45 Sen. Erickson
00:53:29 Chairman Wilson
00:53:36 Ms. Tietz

Closing by Sponsor:

00:55:21 Sen. Erickson

00:56:39 Chairman Wilson calls a recess.
01:26:14 Chairman Wilson resumes hearing. Rep. Boland does not return from break.

HEARING ON SJ 16

Opening Statement by Sponsor:

01:26:26 Sen. Roy Brown (R), SD 25, opened the hearing on SJ 16, Study cost of auto insurance and compliance with mandatory requirements.

Proponents' Testimony:

01:28:46 Jacqueline Lenmark, American Insurance Association
01:29:33 Dwight Easton, Farmers Insurance Company
01:30:23 Spook Stang, Executive Vice President, Montana Motor Carriers Association
01:31:06 Bruce Spencer, Property Casualty Insurers Association of America

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:32:06 Rep. B. Beck
01:33:29 Sen. Brown
01:34:34 Rep. B. Beck
01:35:03 Sen. Brown
01:35:12 Chairman Wilson

Closing by Sponsor:

01:35:44 Sen. Brown

EXECUTIVE ACTION ON SJ 16

01:37:10 **Motion**: Rep. Reinhart moved that **SJ 16 BE CONCURRED IN.**

Discussion:

01:37:23 Rep. Berry
01:37:49 Rep. Reichner called the question.

01:37:58 **Vote**: Motion carried unanimously by voice vote. Reps. Augare, Boland, and Smith voted by proxy.

01:38:00 Rep. Boland enters.

EXECUTIVE ACTION ON SB 89

01:39:04 **Motion**: Rep. Reinhart moved that **SB 89 BE CONCURRED IN.**

Discussion:

01:39:38 Rep. Milburn
EXHIBIT(buh53a04)
01:42:16 Rep. B. Beck
01:43:10 Rep. Arntzen
01:43:48 Chairman Wilson
01:44:00 Rep. Furey

01:44:09 **Vote**: Motion carried unanimously by voice vote. Reps. Augare and Smith voted by proxy.

EXECUTIVE ACTION ON SB 135

01:44:48 **Motion**: Rep. Reinhart moved that **SB 135 BE CONCURRED IN.**

Discussion:

01:45:25 Rep. Hunter
01:46:47 Rep. Arntzen
01:47:27 Rep. Hunter
01:48:10 Rep. Furey leaves.
01:48:15 Rep. Arntzen
01:48:32 Rep. Klock called the question.

01:48:39 **Vote**: Motion carried unanimously by voice vote. Reps. Augare, Furey, and Smith voted by proxy.

EXECUTIVE ACTION ON SB 150

01:49:08 **Motion**: Rep. Reinhart moved that **SB 150 BE CONCURRED IN.**

01:49:46 Rep. Klock called the question.

01:49:53 **Vote**: Motion carried unanimously by voice vote. Reps. Augare, Furey, and Smith voted by proxy.

EXECUTIVE ACTION ON SB 438

01:51:47 **Motion**: Rep. Reinhart moved **SB 438 BE CONCURRED IN.**

Discussion:

01:52:02 Rep. Reichner
01:52:25 Rep. Reinhart
01:53:03 Mr. Campbell, Legislative Services Division
01:53:36 Rep. Reichner
01:53:58 Chairman Wilson
01:54:04 Rep. Reinhart
01:55:37 Rep. Reichner
01:55:48 Chairman Wilson
01:55:58 Rep. Welborn
01:57:04 Rep. Fleming
01:57:35 Rep. Berry
01:57:48 Rep. Noonan
01:59:19 Chairman Wilson
01:59:24 Rep. Noonan
01:59:42 Chairman Wilson
02:00:01 Rep. Reinhart
02:01:35 Rep. Arntzen
02:02:04 Chairman Wilson
02:02:16 Rep. Boland
02:02:38 Rep. Noonan
02:03:10 Rep. Milburn called the question.

02:03:15 **Vote**: Motion carried 10-8 by roll call vote with Rep. Arntzen, Rep. Beck, Rep. Berry, Rep. Klock, Rep. Milburn, Rep. Noonan, Rep. Vance, and Rep. Welborn voting no. Reps. Augare, Furey, and Smith voted by proxy.

ADJOURNMENT

02:04:48 Adjournment: 10:00 A.M.

_____
Santella Baglivo, Secretary

sb

Additional Exhibits
EXHIBIT(buh53a05) Unemployment Insurance Information

Additional Documents:

EXHIBIT(buh53aad.pdf)

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Tuesday, March 10, 2009 **Time:** 8:30 am
Place: Capitol **Room:** 172

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SJ 6, SJ 10, SJ 16

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 89 BC SJ 6 BC

SB 135 BC SJ 16 BC

SB 150 BC

SB 438 BC

COMMENTS:

Bill Wilson

REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 3/10/09

NAME	PRESENT	ABSENT/ EXCUSED
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare		X
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	X
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 150** (third reading copy – blue) **be concurred in**.

Signed: Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Paul Beck

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0150001SC06456.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Joint Resolution 6** (third reading copy – blue) **be concurred in.**

Signed: _____
Representative Bill Wilson, Chair

To be carried by Representative Wendy Warburton

- END -

Committee Vote:
Yes 16, No 2
Fiscal Note Required __

SJ0006001SC06488.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Joint Resolution 16** (third reading copy – blue) **be concurred in**.

Signed: Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Tom Berry

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SJ0016001SC06459.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 89** (third reading copy – blue) **be concurred in**.

Signed: _____
Representative Bill Wilson, Chair

To be carried by Representative Mike Milburn

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0089001SC03842.hjd

HOUSE STANDING COMMITTEE REPORT

March 10, 2009

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 135** (third reading copy – blue) **be concurred in**.

Signed: Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Chuck Hunter

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0135001SC06470.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 438** (third reading copy – blue) **be concurred in.**

Signed: Bill Wilson
Representative Bill Wilson, Chair

To be carried by Representative Shannon Augare

- END -

Committee Vote:
Yes 10, No 8
Fiscal Note Required __

SB0438001SCC4950.hjd

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/10/09 BILL NO SB 4388 MOTION NO. _____

MOTION: _____

Do Be concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		/
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		/
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan		/	
Rep. Scott Reichner	/		
Rep. Cary Smith	/		/
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

10-8

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 3/6/09 BILL NO SJ 6 MOTION NO. _____

MOTION: _____

Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck	/		
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		/
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock	/		
Rep. Mike Milburn	/		
Rep. Pat Noonan	/		
Rep. Scott Reichner	/		
Rep. Cary Smith	/		/
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson	/		

16 - 2

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

Representative Bill Beck

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB - 150	✓	
SB - 438	✓	
SB - 89	✓	~~✓~~
SB - 135	✓	
SJ - 16	✓	
SJ - 6	✓	
~~SB~~		

BILL/AMENDMENT	AYE	NO

Rep. _____ Date 1/14/09

(Signature)

Cam Smith

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Business and Labor Committee

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SJ 6	X	
SB 89	X	
SB 135	X	
SB 150	X	
SJ 16	X	
SB 438	X	

BILL/AMENDMENT	AYE	NO

Rep. _____ (Signature) Date 3/10/09

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the BUSINESS & LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR BENNETT

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 135	X	
SB 150	X	
SB 438	X	

BILL/AMENDMENT	AYE	NO

Rep. Tim Bell / Tim (Signature)

Date 3/10/09

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the BUSINESS & LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
~~SB 89~~	~~X~~	
~~SB 135~~	~~X~~	
~~SB 150~~	~~X~~	
SJ 16	X	

BILL/AMENDMENT	AYE	NO

Rep. Carlie Brown
(Signature)

Date 3/10/09

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Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 3/10/09

Bill No. SB 6 **Sponsor(s)** Sen. Hansen

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Name and Address	Representing	Support	Oppose	Inf.
GREG AMES	MT DEPT AGR			X
Jay Meyer	Cypress Hills RCDA	✓		
Sharon Dierkie	Town of Sidney	✓		
Michael Fitzpatrick	Maple Creek/Cypress Hills	✓		
[illegible]	Town of [illegible]	✓		
Elysia Crothers	Sidney EDC	✓		
[illegible]	LMAC			
Dave Purvis	SCIK		✓	
Spook Stang	MMGA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 3/10/09

Bill No. SB 516 **Sponsor(s)** Sen. Brown

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Name and Address	Representing	Support	Oppose	Inf.
Jacqueline Lenmark	AIA	X		
Buck Spencer /STR	PCIAA	X		
Greg VanSteenwyk /STR	State Farm	X		
Frank Shaw	MMCA	X		
Jay Easton	Farmers Inc	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 3/10/09

Bill No. SJ 10 **Sponsor(s)** Sen. Erickson

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Name and Address	Representing	Support	Oppose	Inf.
Jason Miller	LMAC	X		
Jacqueline Denmark	AIA	X		
Bruce Spencer / JTL	PCIAA	X		
Larry Jones / JTL	Liberty NW	X		
Leah Plevy	MUS			X
Nancy Butler	MT State Fund			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.